IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE FOURTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and
HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 1888 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 18/03/2004 in WP NO : 13830 OF 1993 on the file of the High Court.)

Between:

The Secretary, H.E.H. Nizam's Trusts, Purani Haveli, Hyderabad.

..... APPELLANT

AND

1 Sahibzabi Iskrath Siddiqui, D/o. Sb.Mir Dost Ali Khan,
through her registered G.P.A.
Zb.Mir Mohd.Ali Khan Kaleem S/o.Mir Habib Ali Khan,
Nizam's Trust, R/o.18-2-133/C, Falaknuma, Hyderabad.
2 The Custodian General of Enamy Property for India,
Kaiser E Hind building, Currimbhoy Road, Ballad Estate,
P.B.No.689, Bombay-400038.
3 The Deputy Custodian General, (Collector, District
Hyderabad), Nampally, Hyderabad.
4 The Deputy Controller, Exchange Control, Reserve Bank
of India, Saifabad, Hyderabad.

.....RESPONDENTS

Counsel for the Appellant : MR.K.RAMANUJA CHARI

Counsel for the respondent No.1: MR. D.V. SITARAMA MURTHY.

Counsel for the Respondent Nos.2 & 3: MR.ARAJASHEKAR REDDY (SC FOR CG)

Counsel for the respondent No.4: None appeared.

The Court made the following :

ORAL JUDGMENT:

(per Hon'ble The Chief Justice)

.....

1 . Writ petitioner filed W.P.No.13830 of 1993 seeking direction against respondents 1 to 3 therein not to interfere and permit 4th respondent therein to remit the arrears and future amounts of allowance of Shahibzadi Ishrath Siddiqui, Roll No.1124, beneficiary of H.E.H., Nizam's Shahibzada Sharfakhas Trust to the valid general power of attorney holder of the petitioner.

2 . Writ petition was disposed of on 18.03.2004, against which the present appeal has been filed by the Secretary of H.E.H. Nizam's Trusts, Purani Haveli, Hyderabad, stating that H.E.H. Nizam's Trust has nothing to do with the Nizam's Sahibzadas-Sarfekhas Trust . The Nizam's Sahibzadas-Sarfekhas Trust is separate and independent with different trustees.

3 . Learned counsel for the appellant in addition to representing H.E.H. Nizam's Family Trust, Purani Haveli, Hyderabad, is also representing the trustee of Nizam's Sahibzadas-Sarfekhas Trust and states that the arrears and future amount of allowances payable to the writ petitioner have to be paid on Nizam's Sahibzadas-Sarfekhas Trust being satisfied about the genuineness of the General Power of Attorney and also on certification of the Life Verification Certificate.

4 . Learned counsel for the writ petitioner submits that two Life Verification Certificates dated 6th September, 2003 and 4th January, 2004, were submitted and were directly sent to the Trust. Presently Sahibzadi Ishrath Siddiqua, D/o Late Sahibzada Mir Dost Ali Khan is a permanent resident of United States of America with Permanent Resident Card Number and Social Security Number.

5 . In case that be so, let the writ petitioner send the latest Life Verification Certificate as also fresh General Power of Attorney duly notarized to the trustees of Nizam's Sahibzadas-Sarfekhas Trust and on receipt thereof, it will for the trustees of Nizam's Sahibzadas-Sarfekhas Trust to work out the arrears and pay the said amount after following due procedure of law and in case some legal requirements will have to be complied with, it will be for Nizam's Sahibzadas-Sarfekhas Trust to apprise the writ petitioner or through her counsel or through the counsel engaged by general power of attorney holder to have the requisite information supplied to Nizam's Sahibzadas-Sarfekhas Trust or to comply with the procedural requirements. On the writ petitioner submitting a fresh Life Verification Certificate and General Power of Attorney duly notarized, within a period of two months therefrom the amount will be released to the writ petitioner by Nizam's Sahibzadas-Sarfekhas Trust.

6. With the above directions, writ appeal stands disposed of. No costs.

DEVINDER GUPTA. C.J.,

B. SESHASAYANA REDDY. J.,

Dated: 14.02.2005.

VRK.

To

1 The Custodian General of Enamy Property for India,
Kaiser E Hind building, Currimbhoy Road, Ballad Estate,
P.B.No.689, Bombay-400038.
2 The Deputy Custodian General, (Collector, District
Hyderabad), Nampally, Hyderabad.
3 The Deputy Controller, Exchange Control, Reserve Bank
of India, Saifabad, Hyderabad.

4. Two CD copies.

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE B. SESHASAYANA REDDY.

W.A.NO. 1888 OF 2004.

(Judgment of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 14.02.2005.